

By: Gutierrez

H.B. No. 3325

Substitute the following for H.B. No. 3325:

By: Smith

C.S.H.B. No. 3325

A BILL TO BE ENTITLED

AN ACT

relating to the requirements for barber schools and private beauty culture schools.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 1601.353, Occupations Code, is amended to read as follows:

Sec. 1601.353. REQUIRED FACILITIES AND EQUIPMENT. (a) The department may approve an application for a permit for a barber school that offers instruction to persons seeking a certificate under Section 1601.253 if the school:

(1) is located in:

(A) a municipality with a population of more than 50,000 that has a building of permanent construction containing at least 2,000 square feet of floor space, including classroom and practical areas, covered in a hard-surface floor-covering of tile or other suitable material; or

(B) a municipality with a population of 50,000 or less or an unincorporated area of a county that has a building of permanent construction containing at least 1,000 square feet of floor space, including classroom and practical areas, covered in a hard-surface floor-covering of tile or other suitable material;

(2) has the following equipment:

(A) at least 10 student workstations that include a chair that reclines, a back bar, and a wall mirror;

(B) a sink behind every two workstations;

(C) adequate lighting for each room;

(D) at least 10 classroom chairs and other materials necessary to teach the required subjects; and

(E) access to permanent restrooms and adequate drinking fountain facilities; and

(3) meets any other requirement set by the commission.

(b) The department may approve an application for a permit for a barber school that offers instruction to persons seeking a certificate, license, or permit under this chapter, other than a certificate under Section 1601.253, if the school:

(1) has adequate space, equipment, and instructional material, as determined by the commission, to provide quality classroom training; and

(2) meets any other requirement set by the commission.

(c) A barber school that satisfies the requirements of Subsection (a) may offer instruction in barbering to persons seeking any certificate, license, or permit under this chapter.

(d) Instruction received at a barber school subject to Subsection (b) may not be used to satisfy the requirements to obtain a Class A barber certificate under Section 1601.253.

SECTION 2. Section 1602.303, Occupations Code, is amended to read as follows:

Sec. 1602.303. PRIVATE BEAUTY CULTURE SCHOOL LICENSE.

~~(a) [A person holding a private beauty culture school license may maintain an establishment in which any practice of cosmetology is taught, including providing an eyelash extension application~~

~~training program described by Section 1602.2572.~~

[(b)] An application for a private beauty culture school license to instruct persons seeking a license under Section 1602.254 must be accompanied by the required license fee and inspection fee and:

(1) be on a form prescribed by the department;

(2) be verified by the applicant; and

(3) contain a statement that the building:

(A) is of permanent construction and is divided into at least two separate areas:

(i) one area for instruction in theory; and

(ii) one area for clinic work;

(B) contains a minimum of:

(i) 2,800 square feet of floor space if the building is located in a county with a population of more than 100,000; or

(ii) 1,800 square feet of floor space if the building is located in a county with a population of 100,000 or less;

(C) has access to permanent restrooms and adequate drinking fountain facilities; and

(D) contains, or will contain before classes begin, the equipment established by commission rule as sufficient to properly instruct a minimum of 10 students.

(b) An application for a private beauty culture school license to instruct persons seeking a license or certificate under this chapter, other than a license under Section 1602.254, must be

accompanied by the required license fee and inspection fee and:

(1) be on a form prescribed by the department;

(2) be verified by the applicant;

(3) contain a statement that the building:

(A) is of permanent construction and is divided into at least two separate areas:

(i) one area for instruction in theory; and

(ii) one area for clinic work;

(B) has adequate space, equipment, and instructional material, as determined by the commission, to provide quality classroom training; and

(C) has access to permanent restrooms and adequate drinking fountain facilities; and

(4) meets any other requirement set by the commission.

(c) The applicant is entitled to a private beauty culture school license if:

(1) the department determines that the applicant is financially sound and capable of fulfilling the school's commitments for training;

(2) the applicant's facilities pass an inspection conducted by the department under Section 1603.103; ~~and~~

(3) the applicant has not committed an act that constitutes a ground for denial of a license; and

(4) the applicant meets any other requirement set by the commission.

(d) A private beauty culture school that satisfies the requirements of Subsection (a) may offer instruction in cosmetology

1 to persons seeking any license or certificate under this chapter.

2 (e) Instruction received at a private beauty culture school  
3 subject to Subsection (b) may not be used to satisfy the  
4 requirements to obtain an operator license under Section 1602.254.

5 SECTION 3. As soon as practicable after the effective date  
6 of this Act, the Texas Commission of Licensing and Regulation shall  
7 adopt rules to implement Sections 1601.353 and 1602.303,  
8 Occupations Code, as amended by this Act.

9 SECTION 4. This Act takes effect immediately if it receives  
10 a vote of two-thirds of all the members elected to each house, as  
11 provided by Section 39, Article III, Texas Constitution. If this  
12 Act does not receive the vote necessary for immediate effect, this  
13 Act takes effect September 1, 2015.